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FROM: Sallye M. Rayford, Manager
Correspondence & Mail Division

SUBJECT: Receipt of Papers and Fees File Under 37 CFR 1.10 By
Express Mail

The filing date of _____ is the correct date. The date on the Express Mail label under 37 CFR 1.10 is _____. On that date the PTO was closed all day due to _____ adverse weather conditions (authorized by Office of Personnel Management) or a _____ normally scheduled Federal holiday within the District of Columbia. In accordance with 37 CFR 1.6 the papers have been stamped with the next succeeding day which is not a Saturday, Sunday or Federal holiday within the District of Columbia. The provision of 35 U.S.C. 21 (b) apply.

The papers were not stamped with the date on the certificate of mailing by Express Mail because the date on the certificate does not coincide with the date of deposit on the Express Mail label which the PTO takes as evidence of when the package was mailed.

Date on certificate of mailing by Express Mail is 12-23-91

Date on Express Mail label is 12-24-91

Date of receipt in PTO is 12-24-91

Therefore, the filing date is 12-24-91

The papers are not entitled to the benefits of 37 CFR 1.10 because:

The date on Certificate of mailing Cannot be a date
Prior to date in at Post Office

SIGNED: Barth Thomas

DATE : January 2, 1992